Security Intelligence Review Committee

2010-11 Estimates

Part III – Report on Plans and Priorities

The Right Honourable Stephen Harper
Prime Minister of Canada

Table of Contents

Chair's Message 1

SECTION I – AGENCY OVERVIEW 2

Summary Information 2

Raison d'être 2
Responsibilities 2
Strategic Outcome 3
Program Activity Architecture 3

Planning Summary 4

Financial Resources 4
Human Resources 4
Contributions of Priorities to Strategic Outcome 5
Risk Analysis 6
Expenditure Profile 7
Voted and Statutory Items 8

SECTION II: PROGRAM ACTIVITIES BY STRATEGIC OUTCOME 9

Program Activity: Reviews 10

Program Activity: Complaints 13

Program Activity: Internal Services 16

Chair's Message

I am pleased to submit the Security Intelligence Review Committee's (SIRC's) Report on Plans and Priorities (RPP) for 2010-11.

For twenty-five years, SIRC has been an integral component of the democratic accountability of the Canadian Security Intelligence Service (CSIS) by ensuring that it acts appropriately, effectively and lawfully in protecting Canada's national security. As Canada's national security intelligence service, CSIS has unique powers and responsibilities. It is with a great sense of pride and responsibility that SIRC conducts ongoing, independent reviews of CSIS's operations and activities.

SIRC's mandate has remained unchanged since its creation, but proposed initiatives may affect Canada's national security accountability regime in the future. In the fall of 2008, the Government announced that it intends to respond to the recommendations of Mr. Justice O'Connor by moving forward on comprehensive and robust review measures for the Canadian security intelligence community. Further consideration of the need to balance investigating threats to national security with oversight, accountability and the protection of civil liberties is expected to follow the release of the report of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182. SIRC will closely monitor these developments, as well as any others in the national security environment, to ensure that it is ready to adapt to change and respond to any challenge.

I hope that this year's RPP provides readers with further insight into SIRC's mandate to ensure that CSIS investigates and reports on threats to national security in a manner that respects the rule of law and the rights of Canadians.

Honourable Gary Filmon, P.C., O.M.
Chair

SECTION I – AGENCY OVERVIEW

Summary Information

Raison d'être

The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.

Responsibilities

The Security Intelligence Review Committee (SIRC or the Committee) is a small, independent review body that reports to Parliament on the operations of the Canadian Security Intelligence Service (CSIS or the Service). It was established at the same time that CSIS was created in 1984, and derives its powers from the same legislation, the *CSIS Act*.

In order to fulfil its purpose, SIRC has two key Program Activities. The first is to conduct in-depth reviews of CSIS activities to ensure that CSIS carries out its duties and functions appropriately, effectively and in accordance with the *CSIS Act* and the various policy instruments that flow from it, and with direction from the Minister. The second is to receive and inquire into complaints by any person about any action of the Service.

CSIS continues at all times to be accountable for current operations through the existing apparatus of government, specifically the Minister of Public Safety, the Inspector General of CSIS, central agencies and the Auditor General, Information Commissioner and Privacy Commissioner of Canada.

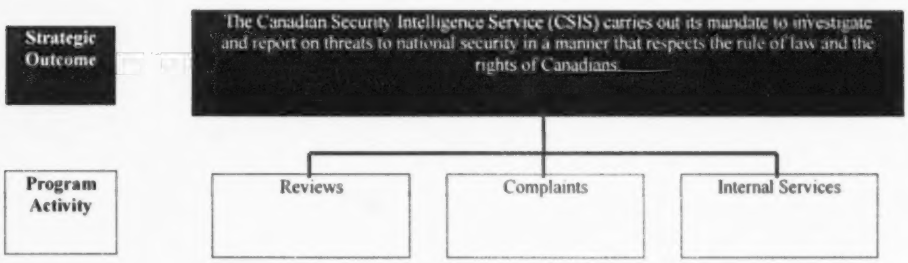
Strategic Outcome

In order to pursue its mandate effectively, SIRC aims to achieve the following strategic outcome:

> The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.

Program Activity Architecture

The chart below illustrates SIRC's framework of program activities, which roll up and contribute to progress toward the organization's Strategic Outcome.


Strategic Outcome
The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.
Program Activity
Reviews
Complaints
Internal Services

Planning Summary

Financial Resources

(thousands of dollars)

Financial Resources	2010-11	2011-12	2012-13
Planned Spending	2,996	2,999	2,999

The financial resources table above provides a summary of the total planned spending for SIRC for the next three fiscal years.

Human Resources

Human Resources	2010-11	2011-12	2012-13
Full-Time Equivalents (FTEs)	21	21	21

The human resource table above provides a summary of the total planned human resources for SIRC for the next three fiscal years.

Strategic Outcome 1: The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.

Performance Indicators	**Targets**
Number of reviews/complaint investigations that reported CSIS activities were appropriate, effective and in compliance with the *CSIS Act*, Ministerial Direction and operational policy	No major incidents of non-compliance by CSIS

Program Activity	Expected Results	Forecast Spending (thousands of dollars)	Planned Spending (thousands of dollars)			Alignment to Government outcomes
		2009-10	2010-11	2011-12	2012-13	
Reviews	Improvements to CSIS performance	1,161	1,626	1,629	1,629	Government Affairs
Complaints	Parties before SIRC receive a fair and timely resolution of their complaint	560	580	580	580	
Internal Services	Corporate management to support the needs of the organization and fulfill corporate	657	790	790	790	

	obligations					
Total for Strategic Outcome		2,378	2,996	2,999	2,999	

Contributions of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic outcomes	Description
Continuous improvement for reviews and complaints	Ongoing	SO 1	• SIRC's research methodology is constantly evolving to reflect the increasing complexity of CSIS's operations. • SIRC's reliance on reviewing electronic and paper documentation is complemented increasingly by briefings and interviews with CSIS staff. • SIRC will continue to encourage staff to attend seminars and conferences, as well as provide opportunities for training and professional development. • In the realm of complaints, SIRC will continue to encourage CSIS to make representations to SIRC regarding its jurisdiction, prior to the Committee making a formal decision on whether or not to accept a complaints case. • SIRC Members will be provided ongoing legal training, to assist them in presiding over a fair hearing in a timely manner.
Management Priorities	**Type**	**Links to Strategic outcomes**	**Description**
Improved corporate management	Ongoing	SO 1	• SIRC will continue working on its modern management accountability plan. • SIRC will introduce internal policies and monitor the implementation of its Business Continuity Plan, which is part of its commitment to adopting modern management practices and complying with the Government Security Policy. • SIRC is working on the development of an Investment Plan, as required by Treasury Board. It will also respond to reporting requests from Treasury Board for two upcoming audits: Human Resources and Skills Development, and Common Look and Feel Standards for the Internet.

Risk Analysis

In recent years, the security intelligence community has undergone several legal, policy and program reforms in response to the evolving threat environment. SIRC continues to monitor discussion and debate about potential and ongoing Government initiatives that may impact upon the nature and scope of SIRC's reviews and complaints investigations.

SIRC has paid close attention to the work of the Commission of Inquiry into the Action of Canadian Officials in relation to Maher Arar. In fall 2008, the Government announced that it intended to respond to Mr. Justice O'Connor's recommendations by moving forward on comprehensive and robust security intelligence review measures. In December 2006, Mr. Justice O'Connor proposed that independent review and complaints investigations be extended to encompass the national security activities of Citizenship and Immigration, Transport, the Financial Transactions and Reports Analysis Centre and Foreign Affairs and International Trade, and that SIRC was the logical body to assume this role. SIRC remains ready to assume an expanded role, subject to a full and complete assessment of possible workload and resource implications.

In addition, SIRC will continue to watch closely the proposed development of a National Security Committee of Parliamentarians. SIRC remains concerned about respective mandates and possible overlap and duplication, should the Government pursue this initiative. SIRC's Members would also have to address legal issues in responding to Parliamentary requests for classified information, which could conflict with their Oaths of Secrecy and certain provisions of the *CSIS Act*.

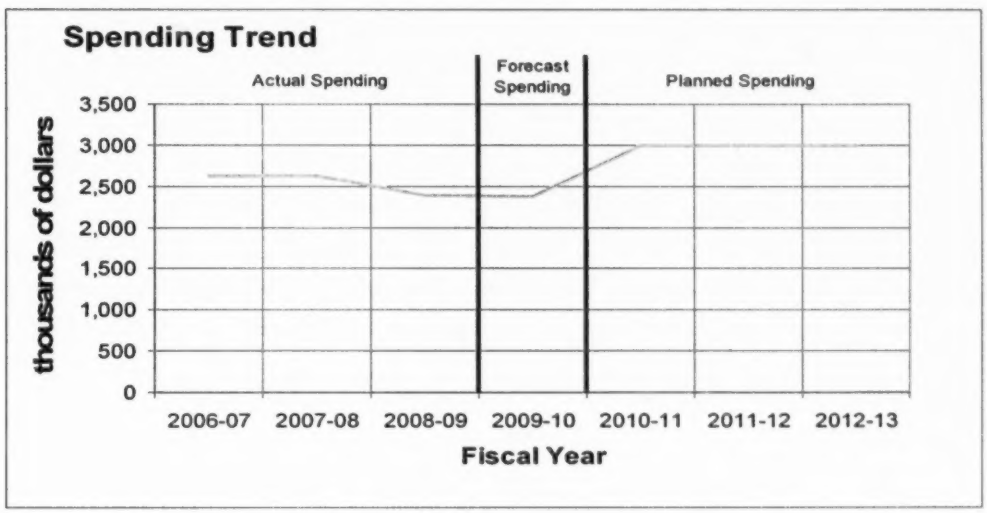
SIRC will also continue to adjust its focus to account for CSIS's involvement in new operating environments. SIRC's review function has been adapting to these changes to ensure regular examination of all CSIS operations and activities.

Given its very small staff complement, SIRC struggles with central agency reporting requirements. Although SIRC supports the principles of modern management

accountability, it lacks dedicated functional specialists who would be solely responsible for financial and human resource management. As such, SIRC must increasingly rely on a combination of external contractors and internal staff, which diverts resources from its core functions.

Expenditure Profile

For the 2010-11 fiscal year, SIRC plans to spend $2.9 million to meet the expected results of its program activities and contribute to its strategic outcome. The figure below illustrates SIRC's spending trend from 2006-07 to 2012-13.



Over the past few years, SIRC has had continual staffing challenges, as all staff must be security cleared to Top Secret level before they are hired. This can create a delay of several months from the time a vacancy first becomes available to the actual starting date of a new employee. The decrease of actual spending from 2007-08 to 2008-09 is explained by staff leaves-of-absence and a reorganization that resulted in a temporary reduction of research staff and decrease in Committee-related costs. In addition, resources were set aside for the planned relocation of SIRC's office.

As shown under forecast spending for 2009-10, SIRC does not expect any increase of spending during fiscal year 2009-10.

Planned spending for 2010-11 to 2012-13 is expected to increase as SIRC plans to operate with a full complement of staff and to relocate its office during this period.

Voted and Statutory Items

The table below illustrates the way in which Parliament approved resources for SIRC.

Voted and Statutory Items displayed in the Main Estimates

(thousands of dollars)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Item	2009-10 Main Estimates	2010-11 Main Estimates
30	Program expenditures	2,649	2,707
(S)	Contributions to employee benefit plans	277	288
	Total	**2,926**	**2,995**

Section II: Program Activities by Strategic Outcome

SIRC has only one strategic outcome: The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians. In realizing this outcome, the Committee is seeking to ensure that CSIS acts lawfully and effectively in the performance of its duties.

SIRC is situated uniquely to provide context to the debates about the nature and scope of the threat environment, and how these are addressed. Although SIRC does not promote any particular viewpoint or policy perspective, our reviews and complaint decisions provide important snapshots of CSIS's work—offering examinations of the nature and extent of the threat environment, and whether the Service addresses these threats appropriately and effectively and in a manner that respects its powers and authorities. This outcome is important to Canadians, because it helps to protect their fundamental rights and freedoms. SIRC serves as a cornerstone in assuring the democratic accountability of one of the Government's most powerful security organizations.

The following section describes SIRC's program activities and identifies the expected result, performance indicators and targets for each. It also explains how SIRC intends to meet the expected results, and presents the financial and human resources that will be dedicated to each program activity.

The following three program activities will be discussed in this section:

- Reviews;
- Complaints; and
- Internal Services.

Program Activity: Reviews

In-Depth Reviews of CSIS Activities					
Human Resources (FTEs) and Planned Spending (thousands of dollars)					
2010-11		2011-12		2012-13	
FTE	Planned Spending	FTE	Planned Spending	FTE	Planned Spending
12.5	1,626	12.5	1,629	12.5	1,629

Program Activity Results	Performance Indicators	Targets
The improvement of CSIS's performance based on the findings and recommendations that SIRC makes in its reviews.	Percentage of SIRC's review recommendations accepted by CSIS	70% of SIRC's review recommendations accepted by CSIS
	Frequency that key elements of CSIS activities and operations are reviewed	Key elements of CSIS activities and operations are reviewed at least once every five years
	Number of reviews completed as per SIRC's annual Research Plan	100% of reviews completed per SIRC's annual Research Plan

Program Activity Summary: The purpose of the Review Program is to conduct reviews of CSIS activities to ensure that CSIS performs its duties and functions appropriately and effectively, and in accordance with legislation, policy and Ministerial Direction. Through a comprehensive and multifaceted program of research, SIRC staff examines various aspects of CSIS's operations and activities to prepare a retrospective analysis for the Committee's approval.

SIRC's research program is designed to address a broad range of CSIS's duties and functions. This approach allows the Committee to manage the inherent risk of being able to review only a small percentage of CSIS activities in any single year. In selecting reviews, SIRC takes into consideration domestic and world events; issues, priorities and concerns identified by Canadians and Parliament; past reviews; matters of interest identified in complaints investigations; and existing and emerging CSIS activities. Over the course of several years, SIRC is able to examine a significant number of CSIS's investigations and functions. The Committee must always be prepared to adjust the research program to address unforeseen events.

SIRC's reviews assess CSIS's performance and may include findings and non-binding recommendations. These reviews are submitted to the Director of CSIS, the Inspector

General CSIS and, in special circumstances, to the Minister of Public Safety. A declassified summary of each review is included in SIRC's Annual Report. The objective is to provide Parliament and Canadians with "snapshots" of past CSIS operations that, over time, provide a comprehensive picture of CSIS's performance.

SIRC's Annual Report to Parliament is the primary method for informing Canadians about its work. To the best of its ability and within the legal constraints governing national security and privacy, every review undertaken and every complaint acted upon, is summarized in SIRC's Annual Report. In accordance with Section 53 of the *CSIS Act*, SIRC submits this report to the Minister of Public Safety "not later than September 30" of each fiscal year, for tabling in Parliament within 15 days in which the House is sitting.

SIRC also informs the public about its work by participating in events such as seminars and conferences, including presentations by Committee Members and staff. The Executive Director will deliver several presentations throughout the year at university seminars. In addition, the Committee has appeared previously before the House Standing Committee on Public Safety and National Security and the Senate Standing Committee on National Security and Defence. Finally, SIRC continues to participate in the Review Agencies Forum, which brings together representatives of the Office of the Commissioner of the Communications Security Establishment, the Inspector General of CSIS, and the Commission of Public Complaints against the RCMP.

Planning Highlights: To achieve the expected result, SIRC plans to undertake the following activities:

- SIRC will continue to select topics for review that reflect the increasing complexity of CSIS's operations;
- SIRC may explore the best practices of other domestic and foreign review bodies to refine further its Review Program. SIRC's participation in the Review Agencies Forum and the International Intelligence Review Agencies Conference offers opportunities in this regard;

- SIRC plans to complete six to eight reviews, while retaining the flexibility to respond to unforeseen events;
- SIRC will visit two CSIS regional offices to meet with senior staff and communicate the Committee's focus and concerns; and
- SIRC will review one CSIS Station abroad.

Program Activity: Complaints

Inquiries into Complaints					
Human Resources (FTEs) and Planned Spending (thousands of dollars)					
2010-11		2011-12		2012-13	
FTE	Planned Spending	FTE	Planned Spending	FTE	Planned Spending
6.5	580	6.5	580	6.5	580

Program Activity Results	Performance Indicators	Targets
Parties before SIRC receive a fair and timely resolution of their complaint	Percentage of SIRC complaint decisions upheld by the Federal Court on judicial review	100% of complaints decisions upheld
	Percentage of complaints where SIRC's decision on jurisdiction is made within 100 working days of receiving a formal and complete written complaint	85% of all jurisdictional decisions
	Percentage of complaints where SIRC's report is issued within thirty months of accepting jurisdiction	85% of all complaint reports

Program Activity Summary: The purpose of the Complaints Program is to receive and inquire into complaints about CSIS brought forward by individuals or groups. SIRC acts as an independent, quasi-judicial administrative tribunal and conducts investigations in relation to:

- complaints "with respect to any act or thing done by the Service" as described in the *CSIS Act*;
- complaints about denials of security clearances to federal government employees and contractors;
- referrals from the Canadian Human Rights Commission in cases where the complaint relates to the security of Canada;
- Minister of Public Safety's reports in respect of the *Citizenship Act;* and

- Complaints concerning any act or thing done by CSIS in relation to Transport Canada's Passenger Protect Program and Marine Transportation Security Clearance Program.

Once a written complaint is received, SIRC conducts an initial review. Where a complaint does not meet certain statutory requirements, SIRC declines jurisdiction. If a complaint is accepted, it is usually investigated through a quasi-judicial hearing presided over by a Committee Member, assisted by SIRC's legal staff. In investigating complaints, SIRC has all the powers of a superior court, and has access to all information in the possession of CSIS, except Cabinet confidences.

A complainant has the right to be represented by counsel and to make representations to the Committee. Pre-hearings may be conducted to establish and agree on procedures with the complainant and/or the complainant's counsel. SIRC's counsel provides legal advice on procedural and substantive matters to the presiding Member, and will also cross-examine Service witnesses when, for national security reasons, evidence must be heard *in camera, ex parte.*

At the completion of a hearing, the complainant is advised in writing of the Committee's decision, after any national security information has been removed. Depending on the type of complaint, SIRC also sends a report that includes findings and non-binding recommendations to the Minister of Public Safety, the Director of CSIS and, in cases involving denial of a security clearance, to the deputy head of the federal organization involved. A declassified summary of every complaint investigation is included in SIRC's Annual Report.

Planning Highlights: To achieve the expected result, SIRC plans to undertake the following activities:

- SIRC will continue to encourage CSIS to make representations to SIRC regarding its jurisdiction prior to the Committee making a formal decision on whether or not to accept a complaints case;

- SIRC will provide ongoing legal training to assist Members in presiding over a fair hearing; and
- SIRC will continue to study best practices of other tribunals and adopt measures to improve its timely and efficient completion of investigations.

Program Activity: Internal Services

Internal Services consumes roughly one quarter of SIRC's total resources and covers a number of activities and services that are essential to the smooth functioning of the organization.

Internal Services					
Human Resources (FTEs) and Planned Spending (thousands of dollars)					
2010-11		2011-12		2012-13	
FTE	Planned Spending	FTE	Planned Spending	FTE	Planned Spending
2	790	2	790	2	790

This activity captures all of the costs associated with monthly meetings attended by Committee Members, including their per diems, travel and accommodation costs. Corporate Direction and Internal Services also includes ongoing refinement to SIRC's website, as well as the general informatics support required to maintain computing systems. Through a Memorandum of Understanding, the Privy Council Office provides some administrative and financial services to SIRC. In addition, financial and human resource management services not provided by the Privy Council Office are funded through this activity.